

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

VS.

ROSS HACK and LELAND JONES,

Defendants,

2:12-CR-0063 PMP-CWH

MINUTES OF THE COURT

Dated: **August 12, 2014**

PRESENT:

THE HONORABLE **PHILIP M. PRO, U.S. DISTRICT JUDGE**

DEPUTY CLERK: EILEEN WOOD COURT RECORDER: ALANA KAMAKA

PRESENT FOR PLAINTIFF: PATRICIA SUMNER, NICHOLAS DICKINSON
JULIA GEGENHEIMER

PRESENT FOR DEFENDANT: MICHAEL KENNEDY (Hack)
JAMES HARTSELL (Jones)

CALENDAR CALL -

8:59 AM - Court convenes in the presence of counsel and defendants. Court takes up the matter of Defendants' joint motion to continue #315. Mr. Kennedy states counsel have been reviewing the audio recordings and argues for continuance. Mr. Hartsell joins in the request for continuance. Ms. Sumner addresses Court. Government does not intend to use the defendants' calls in the hearing. The Government does not intend to use any of Melissa Hack's recordings. For reasons stated on the record, the Court **DENIES** [315] Motion to Continue Trial. On Monday, August 18, 2014, the Court will address the timing of Witness Melissa Hack's testimony at trial.

The Court canvasses counsel regarding the status of the deadlines stated in Order #279. The Government has their proposed jury instructions and voir dire. Defense counsel requests an extension of time to file their proposed jury instructions and voir dire supplements. The Court **GRANTS** the request. Defense counsel shall file their proposed jury instructions by 8/13/14. Defense counsel may file their supplemental voir dire by Monday, 8/18/14.

Jury Questionnaires - The 200+ potential jurors will report on Thursday, 8/14/14 to answer questionnaire. Counsel may contact the Jury Administrator at 11:00 AM and pick up one copy each of the juror responses. The Court will address counsels' stipulations or motions for challenge for cause based upon responses to the questionnaire on Monday, 8/18/14, at 8:30 AM. Court will convene on Tuesday, 8/19/14, at 8:30 AM.

2:12-CR-0063 PMP-CWH
USA v Hack & Jones
Page 2

Security - Deputy US Marshal Mike Cavener addresses the Court. There will be secondary screening for all parties, other than jurors. Defendants shall not be allowed to speak to anyone in the gallery. If the defendants are taking notes, they shall do so only with felt tip pens. Defendants will be wearing civilian clothes. The defendants will be in leg restraints at all times other than jury selection. The tables will be draped and defendants and witnesses in custody will enter and leave the courtroom outside the presence of the jury.

Evidence Display-Media - The Government will be presenting evidence electronically, no video but will present audio. Mr. Kennedy and Mr. Hartsell will be presenting electronic evidence as well. Audio files must be converted from their present format. Counsel to contact Courtroom Deputy Eileen Wood or Shawn Knox of any special needs.

Joint Statement of the Case - Filed in Court.

Schedule - Trial will convene with jurors at 8:30 AM and with counsel at 8:00 AM each day. Court will recess approx 4:30 PM and can stay after with counsel if necessary. There will be a short morning and afternoon break and a one-hour lunch each day. Courtroom Deputy Eileen Wood will produce a Calendar for posting in the jury room and it will be presented to counsel on Monday, 8/18/14. Counsel is expected to share with each other their schedule intention for the next day to assist in preparation. The Rule of Exclusion will be in effect. Experts can remain throughout the trial.

Demonstrative Aids in Opening - Ms. Sumner and Mr. Kennedy have demonstrative aids; Mr. Hartsell does not. Counsel will bring those aids on Monday, 8/18/14 so objections can be addressed prior to jury selection.

The Court hears arguments of counsel regarding the pending Motions in Limine and for reasons stated on the record, **IT IS HEREBY ORDERED:**

#292 MOTION in Limine to Introduce Evidence - **DENIED** except as to Melissa Hack's testimony re a concert at the Huntridge Theatre which can be taken up outside the presence of the jury to address objections.

#300 Motion to Seal - **DENIED**.

#295 Motion in Limine to Exclude Improper Character or Impeachment Evidence - **GRANTED** and **DENIED** to the extent stated in open Court.

#296 Motion in Limine to Preclude Cross-Examination of Government Witnesses About the Death Penalty - **GRANTED**. Motion **UNSEALED**.

2:12-CR-0063 PMP-CWH
USA v Hack & Jones
Page 3

#297 Motion in Limine to Admit Co-Conspirator Statements at Trial - **GRANTED**.

#298 Motion in Limine to Exclude Impeachment Evidence Contained in a Letter Written to John Butler - **STANDS SUBMITTED**. This matter can be addressed with Mr. Butler outside presence of jury.

#299 Motion in Limine to Preclude Evidence of or References to Civil Lawsuits Brought by the Family of Defendant Hack - **GRANTED** without prejudice to defense to renew at trial.

10:53 AM - Court recesses.

11:08 AM - Court reconvenes with Mr. Hartsell and defendant Leland Jones to discuss CJA matters in a **SEALED** hearing. Request is **GRANTED**.

11:13 AM - Court adjourned.

LANCE S. WILSON, CLERK
UNITED STATES DISTRICT COURT

/s/ Eileen Wood

DEPUTY CLERK